

Attorney Docket No.: 3800002.00055/4804US
--RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE-EXAMINING GROUP 1600

## YE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Aladar A. Szalay et al.

Art Unit : 1633

Serial No.: 10/516,785

Examiner: Burkhart, Michael D.

Filed:

: June 27, 2005 Conf. No. : 7336

Cust. No. : 77202

Title

: LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND

THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED

**TISSUE** 

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## AMENDMENT AFTER FINAL

Dear Sir:

Responsive to the Office Action, mailed, July 20, 2010, entry of the following amendment and consideration of the following remarks respectfully are requested. It respectfully is submitted that entry of the Amendment places the application into condition for allowance or, alternatively, reduces the number of issues for appeal by addressing issues raised in the Final Office Action. For example, claims 6, 14, 16 and 21, which are objected to as being dependent upon a rejected base claim and are allowable if rewritten as independent claims or as dependent upon an allowable base claim, are rewritten as independent claims, thereby obviating the objection. In addition, although Applicant does not concede that the rejection under 35 U.S.C. §102(b) is warranted, rejected claim 1 is amended to render it clear that the microorganism is administered to a subject who has, or is suspected of having, internal wounded or inflamed tissues; the claim does not read on selecting a subject who is to be wounded after administering the microorganism. Also, the claim affirmatively recites that the subject is imaged (organs are not excised), and the subject is alive when imaged. Thus, claim 1 and dependent claims should be in condition for allowance.

Amendments to the claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Christopher Ochs